

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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TO SECSTATE WASHDC 4292
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY THE HAGUE
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E.O. 11652: N.A.
TAGS: PINT, SHUM, SP
SUBJECT: POLITICAL MISCELLANY

1. SUMMARY: SUAREZ LEAVES APRIL 20 2OR A 6-DAY SWING
THROUGH THE CANARIES. THE COUNCIL OF MINISTERS
APRIL 19 APPROVED DRAFT LAWS EFFECTIVELY ABOLISHING
THE DEATH PENALTY IN CIVILIAN COURTS AND EXPANDING
POLICE ANTI-TERRORISM POWERS, AS WELL AS A DECREE-
LAW ESTABLISHING ANDALUSIA'S PRE-AUTONOMY REGIME.
CATALAN SOCIALISTS TAKE ANOTHER STEP TOWARD ORGANIC
UNITY. END SUMMARY.

2. SUAREZ TO THE CANARIES. THE PRIME MINISTER FLIES
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TODAY TO THE CANARIES ON THE FIRST LEG OF WHAT WILL BE
A SIX-DAY VISIT WHICH WILL TAKE HIM TO EACH OF THE
ARCHIPELAGO'S SEVEN ISLANDS. THIS IS THE FIRST VISIT
TO THE CANARIES BY A SPANISH PRIME MINISTER SINCE THE
1920'S, AND IS AN INDICATION OF THE GOVT'S CONCERN OVER
THE SITUATION IN THE ISLANDS. IN FACT, SUAREZ MADE
IT CLEAR IN HIS APRIL 18 PRESS CONFERENCE THAT THE

REASON FOR HIS TRIP WAS TO ACQUAINT HIMSELF FIRST-HAND WITH THE SERIOUS PROBLEMS CONFRONTING THE CANARIES. HIS ITINERARY INCLUDES VISITS TO MILITARY INSTALLATIONS IN TENERIFE AND LAS PALMAS AND A MEETING WITH THE MILITARY CHIEFS OF STAFF, SIGNIFICANT GESTURES OBVIOUSLY INTENDED BOTH TO APPEAL TO THE SPANISH ARMED FORCES AND TO SIGNAL TO THE ISLANDS' INHABITANTS AS ITS "FRONTIER PROVINCES." (COMMENT: ALTHOUGH THE VISIT IS BILLED AS NON-POLITICAL, IT IS IN FACT SUAREZ' FIRST IMPORTANT DOMESTIC POLITICAL TRIP SINCE THE JUNE 1977 ELECTIONS, AND MAY BE THE HARBINGER OF SIMILAR FORAYS INTO OTHER PROVINCES. DURING HIS CANARIES STAY, HE IS CERTAIN TO DEVOTE SOME OF HIS TIME TO PUTTING THE UCD HOUSE IN ORDER, WHICH HAS BEEN DISRUPTED BY A CONTINUING SLANGING MATCH BETWEEN UCD LIBERALS AND SOCIAL DEMOCRATS AS THE RESULT OF THE FORMER'S SUCCESSFUL MANEUVER TO TAKE THE BULK OF THE IMPORTANT POSITIONS ON THE RECENTLY ESTABLISHED "JUNTA DE CANARIAS," THE ISLANDS' PRINCIPAL PRE-AUTONOMY ORGANISM, AND TO FREEZE THE LATTER OUT COMPLETELY.)

3. "ABOLITION" OF DEATH PENALTY. THE COUNCIL OF MINISTERS ON APRIL 19 APPROVED A DRAFT LAW WHICH PROVIDES THAT ANY DEATH SENTENCE HANDED DOWN BY A CIVILIAN COURT WILL AUTOMATICALLY BE COMMUTED TO 40 YEARS IN PRISON. THE GOVT EXPLAINED THIS DEVICE LIMITED OFFICIAL USE

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AS A MEANS OF AVOIDING THE MORE COMPLICATED AND THOROUGHGOING LEGAL CODE CHANGES WHICH WOULD BE NECESSITATED IF IT WERE ATTEMPTED TO ABOLISH THE DEATH PENALTY OUTRIGHT. THIS IS AN INTERIM MEASURE, THE CABINET'S STATEMENT CONTINUES, UNTIL POST-CONSTITUTION REVISION OF THE ENTIRE PENAL CODE EXPLICITLY ABOLISHES THE DEATH PENALTY. THIS MEASURE DOES NOT AFFECT MILITARY COURTS, WHICH OPERATE UNDER THE SEPARATE MILITARY JUSTICE CODE, BUT THE PRESS IS CHARACTERIZING THE GOVT'S INITIATIVE AS THE "DE FACTO" ABOLITION OF THE DEATH PENALTY IN SPAIN. (COMMENT: THE LEFT HAD ACCUSED THE GOVT OF DRAGGING ITS FEET ON ABOLITION, PARTICULARLY AFTER THE PSOE, A FEW WEEKS AGO, PRESENTED A DRAFT LAW DOING AWAY WITH THE DEATH PENALTY WHICH WAS DEFEATED BY THE GOVT ON THE GROUNDS THAT IT WAS AT WORK ON THIS MORE APPROPRIATE MEASURE. THE DRAFT NOW GOES TO THE "CORTES," WHERE IT SHOULD NOT ENCOUNTER SERIOUS TROUBLE. ONCE AGAIN THE GOVT, IN ITS OWN GOOD TIME, APPEARS TO HAVE RESOLVED A CONTENTIOUS ISSUE.)

4. ANTI-TERRORISM MEASURES. AT THE SAME COUNCIL OF

MINISTERS MEETING, THE GOVT ALSO APPROVED A DRAFT LAW PROVIDING THE POLICE WITH BROADER ANTI-TERRORISM AUTHORITY FOR THE SPACE OF ONE YEAR. MAJOR PROVISIONS OF THE LAW, WHICH ALSO MUST NOW BE SUBMITTED TO THE "CORTES," INCLUDE:

-- AUTHORITY FOR THE POLICE TO DETAIN SUSPECTS FOR MORE THAN 72 HOURS, UNDER THE "NECESSARY JUDICIAL

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CONTROLS";

-- IN CASES WHERE IT IS DEEMED NECESSARY BY THE POLICE, SEARCHES MAY BE EFFECTED WITHOUT THE PRESENTATION OF A SEARCH WARRANT; THE APPROPRIATE LEGAL AUTHORITY MUST BE KEPT INFORMED OF THE ENTRY, BUT THIS CAN BE ACCOMPLISHED SIMULTANEOUSLY WITH OR AFTER THE FACT OF THE SEARCH;

-- THE INTERIOR MINISTRY CAN ORDER THE OPENING OF CORRESPONDENCE AND THE MONITORING OF TELEGRAPHIC AND

TELEPHONE COMMUNICATIONS OF THOSE SUSPECTED OF INVOLVEMENT WITH TERRORIST ORGANIZATIONS, ALTHOUGH THE MINISTRY IS EXPECTED TO KEEP THE APPROPRIATE LIMITED OFFICIAL USE

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LEGAL AUTHORITY INFORMED;

-- THE GOVT, THRDUGH THE MINISTER OF INTERIOR, WILL BE OBLIGATED PERIODICALLY TO INFORM THE CONGRESS AND THE SENATE, IN THE FORM THAT THOSE TWO BODIES DETERMINE APPROPRIATE, OF THE USE TO WHICH THESE POWERS ARE BEING PUT AND THE RESULTS BEING OBTAINED. (COMMENT: THE LEFT HAS BEEN RELUCTANT TO ACQUIESCE IN A SIGNIFICANT EXPANSION OF POLICE POWERS, AND IT REMAINS TO BE SEEN HOW THE SOCIALISTS IN PARTICULAR WILL REACT TO THE DRAFT.)

5. ANDALUSIAN PRE-AUTONOMY. IN THE THIRD MAJOR DECISION TAKEN AT THE APRIL 19 CABINET MEETING, THE GOVT FINALLY APPROVED THE LONG-AWAITED DECREE-LAW GRANTING ANDALUSIAN PRE-AUTONOMY. ANDALUSIA NOW BECOMES THE SEVENTH REGION TO RECEIVE PRE-AUTONOMY STATUS (SEE MADRID 2744 AND 1901). THE PRINCIPAL INSTITUTION, THE "JUNTA," WILL CONSIST OF TWO ORGANISMS: THE PLENUM AND THE PERMANENT COUNCIL. THE PLENUM WILL BE MADE UP OF 31 PARLIAMENTARIANS AND 1 REPRESENTATIVE FROM EACH OF THE 8 PROVINCIAL DEPUTATIONS. THE PERMANENT COUNCIL WILL CONSIST OF 17 MEMBERS, DESIGNATED BY AND FROM AMONG THE MEMBERS OF THE PLENUM. THE PRESIDENT OF THE JUNTA WILL BE ELECTED BY A SIMPLE MAJORITY VOTE OF THE PARLIAMENTARIANS OF THE PLENUM (I.E., THE 8 DEPUTATION REPRESENTATIVES WILL NOT PARTICIPATE IN THE VOTE). THIS MEANS THAT THE GOVT HAS NOW BOWED TO THE INEVITABLE: THAT THE PSOE, WITH A MAJORITY OF THE REGION'S PARLIAMENTARIANS, WILL BE ABLE TO NAME A CANDIDATE OF ITS OWN CHOOSING TO THE PRESIDENCY. HE REPORTEDLY WILL BE RESPECTED PSOE SENATOR FOR SEVILLE PLACIDO FERNANDEZ VIAGAS. (COMMENT: AS IN THE OTHER 6 PRE-AUTONOMY CASES, LIMITED OFFICIAL USE

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THE ANDALUSIAN INSTITUTIONS ARE FUNDAMENTALLY HOLLOW SHELLS WHICH WILL NOW BEGIN TO DISCUSS WITH MADRID THE TRANSFERENCE OF POWER FROM THE CENTRAL GOVT, AN ISSUE WHICH WILL NOT, HOWEVER, BE RESOLVED UNTIL THE CONSTITUTION DEVOLUTION DECISIONS ARE MADE.)

6. CATALAN SOCIALIST UNIFICATION. THE GENERAL COUNCIL OF JOAN REVENTOS' CATALAN SOCIALIST PARTY-CONGRESS (PSC-C) FINALLY VOTED APRIL 19 TO HOLD THE UNITY CONGRESS WITH THE CATALAN BRANCH OF THE PSOE DURING THE LAST HALF OF JULY. THE PSC-C AND PSOE HAD RUN A COALITION SLATE IN THE JUNE 1977 ELECTIONS, BUT EFFORTS TO MOVE ON TO ORGANIC UNITY HAD CONTINUALLY BEEN DELAYED, PRIMARILY AS THE RESULT OF RESISTANCE FROM WITHIN THE MORE "CATALANIST" PSC-C. LAST NIGHT'S VOTE, HOWEVER, APPEARS TO RESTORE MOMENTUM TO THE PROCESS. IT MAY ALSO EXERT SOME ADDITIONAL PRESSURE ON THE CATALAN CENTER TOWARD GREATER UNITY OF ACTION. STABLER

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